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APPLICATION NO.	FI.	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,365 09/25/2001		09/25/2001	Kazumasa Ayukawa	P21475	5941
7055	7590	12/12/2002			
		ERNSTEIN, P.L.C	EXAMINER		
1941 ROLAND CLARKE PLACE RESTON, VA 20191				CHARLES, MARCUS	
				ART UNIT	PAPER NUMBER
				3682	
			•	DATE MAILED: 12/12/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Application Application	J-4		A walland an Ala	2					
### Deficiency Examiner Marcus Charles 3682 **The MAILING DATE of this communication appears on the cover sheet with the correspondence address **Period for Reply** A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ½ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ½ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. If the priod for they specified some is less than they (0) days, a resty within the statistic minimum of firity (20) days will be considered timely. If the priod for they specified some is less than they (0) days, a resty within the statistic minimum of firity (20) days will be considered timely. If the priod for they specified some is less than they (0) days, a resty within the statistic minimum of firity (20) days will be considered timely. **Period for they specified some is less than they (0) days, a resty within the statistic minimum of firity (20) days will be considered timely. **Any reply received by the Office later than the three mainted sides of this communication. **Fallule to reply visital the set or extended period for reply will by statistics, cause the application to become ARANDEED (24) u.S.C. § 13(3). **Status** 1)	~ !	•	Application No.	Applicant(s)					
Marcus Charles 3882	Office Action Summary		09/961,365	AYUKAWA ET AL.					
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15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6) Other:									
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	2) Notice	of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of Informal						



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DETAILED ACTION

Election/Restrictions

1. Currently claim1 is generic to a plurality of disclosed patentably distinct species comprising:

Species	Figures
1	2
2	13
3	15
5	17

2. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one

or more of the currently named inventors is no longer an inventor of at least one claim

remaining in the application. Any amendment of inventorship must be accompanied by

a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

4. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Marcus Charles whose telephone number is (703) 305-

6877. The examiner can normally be reached on Monday -Thursday 7:30 am-600 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Bucci can be reached on (703) 308-3668. The fax phone numbers for

the organization where this application or proceeding is assigned are (703) 305-3597 for

regular communications and (703) 305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 308-

2168.

Marcus Charles

Examiner

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December 10, 2002

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